

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.34758 of 1997

Dated 01-05-2007

Between:
L.Krishna.

..... PETITIONER

AND

The Management of Air Force Station, Hakimpet rep. By its Air
Officer Commanding, Air Force Station, Hakimpet& another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.34758 of 1997

ORDER:

Petitioner herein seeks compassionate appointment in the Indian Air Force. His father late Sri M.Mallaiah was working as watchman in the office of the first respondent and, during the subsistence of his employment, he died on 25-11-1996 leaving behind him his wife and five sons. The petitioner's mother submitted an application seeking compassionate appointment for her son, the petitioner herein.

A bare perusal of the verification report, signed by Sri S.C.Dixit and Sri P.Vidyasagar, would show that the deceased did not leave behind any permanent assets, that among his five male children, four were employed and had separated from their mother and that the condition of the deceased wife and the petitioner herein was poor. The verification report is of the officers of the respondents themselves and is not a self-serving claim of the petitioner.

On receipt of this verification report, the first respondent, vide proceedings dated 23-10-1997, examined the application for compassionate appointment and rejected it holding that all the five sons of the deceased were married and four of them were employed and that the applicant was also married and aged about 32 years. The respondents observed that:-

“it is felt that he must be doing some kind of job to maintain his own family. It is therefore felt that there is no indigence and cannot be taken up for a compassionate appointment”.

Having verified and found that the petitioner was not employed and that the condition of his mother and himself was poor, the first respondent has clearly acted on surmises and conjectures in holding

that merely on account of his marriage, he must be doing some kind of job to maintain his family. Petitioner would place before this Court the Employment registration card issued by the Department of Employment and Training, Employment Exchange, Ranga Reddy District to show that he is not employed elsewhere. While it is always open for the first respondent to make necessary enquiries to find out as to whether the petitioner was or was not gainfully employed elsewhere, it could not have acted on its “**feelings**” to deny proper consideration of the petitioner’s case for appointment on compassionate grounds.

The impugned order dated 23-10-1997 is quashed and the first respondent is directed to reconsider the claim of the petitioner for appointment on compassionate grounds in the light of the documentary evidence on record and, if necessary, after causing verification of the claim of the petitioner not to be employed, and thereafter, pass orders in accordance with law. It is open to the petitioner to submit detailed information regarding his unemployment to the first respondent which, if submitted within a period of four weeks from the date of receipt of a copy of this order, shall be taken into consideration by the first respondent. The first respondent shall pass orders in accordance with law within a period of four months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. However, in the circumstances, without costs.

01-05-2007

usd

